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Proposed Counsel to the Chapter 7 Trustee,
Richard A. Marshack

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

SANTA ANA DIVISION

In re:

Kristina Lynn Smith,

Debtor.

Case No. 8:24-bk-12527-TA

Chapter 7

**NOTICE OF FILING OF APPLICATION
PURSUANT TO 11 U.S.C. SECTION
327(a) AUTHORIZING THE RETENTION
AND EMPLOYMENT OF DINSMORE &
SHOHL LLP AS GENERAL
BANKRUPTCY COUNSEL FOR
CHAPTER 7 TRUSTEE RICHARD A.
MARSHACK AND OPPORTUNITY TO
REQUEST A HEARING**

Date: No Hearing Required

Time:

Ctrm: 5B

411 West Fourth Street

Santa Ana, California 92701-4593

Judge: Hon. Theodor C. Albert

**TO THE HONORABLE THEODOR C. ALBERT, UNITED STATES
BANKRUPTCY JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, AND ALL
OTHER INTERESTED PARTIES:**

PLEASE TAKE NOTICE that Richard A. Marshack, court-appointed chapter 7 trustee (the “Trustee” or “Movant”) in the chapter 7 case (the “Case”) of the above-captioned debtor (the “Debtor”), has filed an Application for authority to retain and employ, as of October 23, 2024, the law firm of Dinsmore & Shohl LLP (“Dinsmore”) as counsel for the Trustee pursuant to § 327(a) of Title 11 of the United States Code (the “Bankruptcy Code”) and Rule 2014 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”). Dinsmore will seek compensation from the within bankruptcy estate pursuant to 11 U.S.C. §§ 330 and 331.

The Trustee believes Dinsmore is qualified to represent him and that it is necessary to employ Dinsmore in this Case. Dinsmore has no conflicts of interest adverse to the bankruptcy estate and Dinsmore is a disinterested person. The Application is made pursuant to 11 U.S.C. § 327. Dinsmore has not received a retainer in connection with its proposed representation of the Trustee. “Connections” to creditors and parties in interest are set forth in the Stockl Declaration (as defined in the Application) filed in connection with the Application.

The rates for this Case for some of the lawyers and paraprofessionals expected to be primarily involved in this Case are as follows:

| Name | Title | Hourly Rate |
|------------------|-----------|-------------|
| Yosina Lissebeck | Partner | \$745 |
| Matthew Stockl | Associate | \$480 |

The Trustee understands that these billing rates are generally revised on or about January 1 of each year, but that the above rates will remain consistent in this Case through December 31, 2024. For other professionals, the rate will be the published hourly rate generally in effect for the period during which the services are rendered. Because the fees are based on hourly rates and correspond to the experience and expertise of each individual, the Trustee believes the terms and conditions of Dinsmore’s employment are reasonable.

1 In addition to the hourly rates set forth above, Dinsmore customarily charges its clients for
2 items of cost and expense incurred in our work on this matter. Items which will be charged
3 separately include copying, messenger services, filing fees, postage and express services, long
4 distance telephone calls, telecopying, computerized legal research, computer-assisted document
5 preparation, support staff overtime when necessary, and similar items.

6 Dinsmore intends to apply to the Court for allowance of such compensation and
7 reimbursement of expenses in accordance with the applicable provisions of the Bankruptcy Code,
8 the Bankruptcy Rules, Local Bankruptcy Rules, the standing orders of this Court, and the
9 guidelines, practices and customs of the U.S. Trustee. Where appropriate, Dinsmore may engage
10 third-party providers to perform specific services. As with Dinsmore's hourly rates, the cost and
11 expense schedule is generally updated on or about January 1 of each year. The current rates for
12 these charges are set forth in Exhibit "A" to the Stockl Declaration.

13 **Deadline for Filing and Serving Opposition Papers and Request for a Hearing:**

14 **PLEASE TAKE FURTHER NOTICE** that any response and request for hearing as to the
15 proposed employment must be in the form as required by Local Bankruptcy Rules 9013-1(f)(1)
16 and (o), and must be filed with the Clerk of the above-entitled Court. The deadline for any
17 response and request for hearing is fourteen (14) days after the date service of this Notice, plus an
18 additional three (3) days if this Notice was served by mail or pursuant to F.R.Civ.P. 5(b)(2)(D) or
19 (F). A copy of any response or request for hearing must be served on the Movant (and proposed
20 counsel). A copy must also be served on the Office of the United States Trustee, 411 West Fourth
21 Street, Suite 7160, Santa Ana, CA 92701. Failure to timely respond may be deemed as acceptance
22 of the proposed relief. See Local Bankruptcy Rule 9013-1(h).

23 Date: November 21, 2024

DINSMORE & SHOHL LLP

24
25 By: /s/ Matthew J. Stockl

Yosina M. Lissebeck

Matthew J. Stockl

Proposed Counsel to the Chapter 7 Trustee,

Richard A. Marshack

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

Dinsmore & Shohl LLP
550 S. Hope Street, Suite 1765
Los Angeles, California 90071

A true and correct copy of the foregoing document entitled (*specify*): ***Notice of Filing of Application Pursuant to 11 U.S.C. Section 327(a) Authorizing the Retention and Employment of Dinsmore & Shohl LLP as General Bankruptcy Counsel for Chapter 7 Trustee Richard A. Marshack and Opportunity to Request a Hearing*** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **November 21, 2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **November 21, 2024**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):

Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **November 21, 2024**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 21, 2024 **Katrice Ortiz**
Date Printed Name

/s/ Katrice Ortiz
Signature

In re Kristina Lynn Smith
Case No. 8:24-bk-12527-TA
U.S.B.C., Central District of California
Santa Ana Division

I. TO BE SERVED VIA NOTICE OF ELECTRONIC FILING (NEF):

- **Richard G. Heston** rheston@hestonlaw.com, yflores@hestonlaw.com, docs@hestonlaw.com, HestonRR41032@notify.bestcase.com, hestonlaw@recap.email
- **Richard A Marshack (TR)** pkraus@marshackhays.com, ecf.alert+Marshack@titlexi.com
- **United States Trustee (SA)** ustpreion16.sa.ecf@usdoj.gov
- **Julie J Villalobos** julie@oaktreelaw.com, oakecfmail@gmail.com; villalobosjr51108@notify.bestcase.com; gus@oaktreelaw.com
- **Jennifer C Wong** bknotice@mccarthyholthus.com, jwong@ecf.courtdrive.com

II. SERVED BY UNITED STATES MAIL:

Debtor:

Kristina Lynn Smith
27591 Kathy Ct
Laguna Niguel, CA 92677-6025

United States Trustee (SA)

411 W Fourth St., Suite 7160
Santa Ana, CA 92701-4593

Creditors and Interested Parties

Employment Development Dept.
Bankruptcy Group MIC 92E
P.O. Box 826880
Sacramento, CA 94280-0001

Franchise Tax Board Bankruptcy
Section MS: A-340
P.O. Box 2952
Sacramento, CA 95812-2952

Santa Ana Division
411 West Fourth Street, Suite 2030
Santa Ana, CA 92701-4500

A Center for Children
1111 W Chapman Ave
Orange, CA 92868-2828

ADT LLC Payroll Operations
1501 Yamato RD
Boca Raton, FL 33431-4438

AT&T
208 S Akard Rd
Dallas, TX 75202-4206

Allergy and Asthma Asse
28202 Cabot Rd Ste 105
Laguna Niguel, CA 92677-1247

Bank of America
Attn: Bankruptcy
4909 Savarese Circle
Tampa, FL 33634-2413

Clineva Urgent Care
25461 Rancho Niguel
Laguna Niguel, CA 92677-7304

Macys Corporate
151 West 34th Street
New York, NY 10001-2101

Community Orthopaedic And MRI
26401 Crown Valley Pkwy 101
Mission Viejo, CA 92691-6302

Mission Heritage Gasterology
Dr Chang
27799 Medical Center Rd #310
Mission Viejo, CA 92691-6400

Cox Communications
6205 Peachtree Dunwoody Rd
Atlanta, GA 30328-4524

Mission Heritage Internal Medicine
Dr Mayet
26800 Crown Valley Pkwy 305
Mission Viejo, CA 92691-8017

Drew Hunt
4 Park Plaza Suite 200
Irvine, CA 92614-8533

Mission Heritage Nephrology
Dr Tran
26800 Crown Valley Pkwy 250
Mission Viejo, CA 92691-8038

Franchise Tax Board Bankruptcy
Section MS A340
PO Box 2952
Sacramento CA 95812-2952

Mission Heritage TCU
27799 Medical Center Rd
Mission Viejo, CA 92691-6400

Head And Neck Associates of OC
26726 Crown Valley Pkwy 200
Mission Viejo, CA 92691-8003

Mission Pediatric Dentistry
27800 Medical Center Rd 332
Mission Viejo, CA 92691-6409

Howard Smith
28822 Via De Luna
Laguna Niguel, CA 92677-7601

Mission Providence Hospital
27799 Medical Center Rd
Mission Viejo, CA 92691-6400

Jeff Gomez
PO Box 1718
Upland, CA 91785-1718

Moulton Water
26161 Gordon RD
Laguna Hills, CA 92653-8224

Kerry Kavanaugh
4511 Isabella Lane
Dallas, TX 75229-5410

Nellie Gail Urgent Care
27001 Moulton Pkwy 102
Aliso Viejo, CA 92656-3600

Kohl's Attn: Credit Administrator
PO Box 3043
Milwaukee, WI 53201-3043

Pediatrics Dermatology
3500 Barranca Pkwy 160
Newport Beach, CA 92696

Leon Baginski MD
27800 Medical Center Rd 310
Mission Viejo, CA 92691-6461

Progressive Insurance
6300 Wilson Mills Rd
Cleveland, OH 44143-2182

Providence Mission Radiology
27799 Medical Center Rd
Mission Viejo, CA 92691-6400

Seabreeze Property Management
PO Box 92799
Aliso Viejo, CA 92656

Quality Loan Service
2763 Camino Del Rio South Ste 200
San Diego, CA 92108-3708

So Cal Gas
1801 S Atlantic Blvd
Monterey Park, CA 91754-5298

Retina Associates of OC
23521 Paseo De Valencia #207
Laguna Hills, CA 92653-3140

The Neshanian Law Firm
Amy Neshanian
5 Corporate Park, Ste 250
Irvine, CA 92606-5169

Rowan Dorcy Medical
27799 Medical Center Rd
Mission Viejo, CA 92691-6400

Toll Roads
PO Box 57011
Irvine, CA 92619-7011

SDG&E
PO Box 25111
Santa Ana, CA 92799-5111

US BANK
PO Box 5229
Cincinnati, OH 45201-5229

SGSB Law
19762 MacArthur Blvd Ste 200
Irvine, CA 92612-2497

US Courts Pacer
PO Box 5208
Portland, OR 97208-5208

Sea Country Dental
32341 Golden Lantern Ste C
Laguna Niguel, CA 92677-5343

III. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, OR EMAIL:

U.S. Bankruptcy Court:

Honorable Theodor Albert
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5085 / Courtroom 5B
Santa Ana, CA 92701-4593